

Conference Engrossed

FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

CHAPTER 337
SENATE BILL 1317

AN ACT

AMENDING SECTION 15-763, ARIZONA REVISED STATUTES; RELATING TO SPECIAL
EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-763, Arizona Revised Statutes, is amended to
3 read:

4 15-763. Plan for providing special education; definition

5 A. All school districts and charter schools shall develop policies
6 and procedures for providing special education to all children with
7 disabilities within the district or charter school. All children with
8 disabilities shall receive special education programming commensurate with
9 their abilities and needs. Each child shall be ensured access to the
10 general curriculum and an opportunity to meet the state's academic
11 standards. IF APPROPRIATE TO MEET THE NEEDS OF A PUPIL AND TO ENSURE
12 ACCESS TO THE GENERAL EDUCATION CURRICULUM, SPECIALLY DESIGNED INSTRUCTION
13 THAT IS IN ACCORDANCE WITH A PUPIL'S INDIVIDUALIZED EDUCATION PROGRAM MAY
14 BE DELIVERED IN A VARIETY OF EDUCATION SETTINGS BY A GENERAL EDUCATION
15 TEACHER OR OTHER CERTIFICATED PERSONNEL PROVIDED THAT SPECIAL EDUCATION
16 PERSONNEL CERTIFICATED PURSUANT TO SECTION 15-203 ARE INVOLVED IN THE
17 PLANNING, PROGRESS MONITORING AND WHEN APPROPRIATE INVOLVED IN THE
18 DELIVERY OF THE SPECIALLY DESIGNED INSTRUCTION. Pupils who receive
19 special education shall not be required to achieve passing scores on the
20 statewide assessment or the test that is identical to the civics portion
21 of the naturalization test under section 15-701.01 in order to graduate
22 from high school unless the pupil is learning at a level appropriate for
23 the pupil's grade level in a specific academic area and unless a passing
24 score on the statewide assessment or the test that is identical to the
25 civics portion of the naturalization test under section 15-701.01 is
26 specifically required in a specific academic area by the pupil's
27 individualized education program as mutually agreed on by the pupil's
28 parents and the pupil's individualized education program team or the
29 pupil, if the pupil is at least eighteen years of age. The pupil's
30 individualized education program shall include any necessary testing
31 accommodations. Special education services shall be provided at no cost
32 to the parents of children with disabilities.

33 B. The state board of education shall adopt guidelines to define a
34 parent's or guardian's role or a pupil's role, if the pupil is at least
35 eighteen years of age, in the development of a pupil's section 504 plan as
36 defined in section 15-731, including testing and testing accommodations.

37 C. For the purposes of determining the services to pupils served by
38 private schools under existing federal law, the state shall consider the
39 term to include homeschooled pupils.

40 D. If federal monies are provided to a school district or a charter
41 school for special education services to homeschooled or private schooled
42 pupils, the school district or charter school shall provide the services
43 to both the homeschooled pupils and the private schooled pupils in the
44 same manner.

1 E. For the purposes of this section, "special education" has the
2 same meaning prescribed in section 15-1201.

3 Sec. 2. Special education; specially designed instruction;
4 state board of education; rules

5 A. The state board of education shall immediately begin the process
6 of adopting new rules that clarify the administration of specially
7 designed instruction for students who receive special education services
8 to include instruction from general education and other certificated
9 personnel, provided that special education personnel certificated pursuant
10 to section 15-203, Arizona Revised Statutes, are involved in the planning,
11 progress monitoring and when appropriate involved in the delivery of the
12 specially designed instruction, as amended by this act. The state board
13 of education shall also immediately begin the process of comprehensively
14 reviewing and amending state board rules regarding special education to
15 streamline processes, reduce unnecessary administrative burdens on local
16 education agencies and to affirm the central role of the local
17 individualized education program team. The state board of education shall
18 ensure that the current rules and any newly adopted rules are consistent
19 with state law and that personnel are appropriately and adequately
20 prepared and trained to serve students with disabilities.

21 B. The state board of education shall adopt the new rules required
22 by subsection A of this section on or before November 15, 2017. Any rules
23 adopted by the state board of education shall be consistent with and may
24 not be more restrictive than the requirements pursuant to the Individuals
25 with Disabilities Education Improvement Act of 2004. Before the adoption
26 of any rules pursuant to this section, the state board of education shall
27 submit drafts of any proposed rules to the governor, the chairperson of
28 the senate education committee and the chairperson of the house of
29 representatives education committee.

30 Sec. 3. Legislative intent

31 It is the legislature's intent that all children with disabilities
32 have access to the most qualified professionals identified by the
33 individualized education program team to meet their unique, individualized
34 needs. The changes in this act will provide parents of children with
35 disabilities with more choices, promote education in the least restrictive
36 environment, enhance collaboration between general education and special
37 education personnel, and improve student achievement. This act is not
38 intended to allow unqualified, unprepared or untrained individuals to
39 provide special education services or unlicensed professionals to perform
40 a scope of services that require licensure.

APPROVED BY THE GOVERNOR MAY 22, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2017.

Passed the House March 16, 20 17,

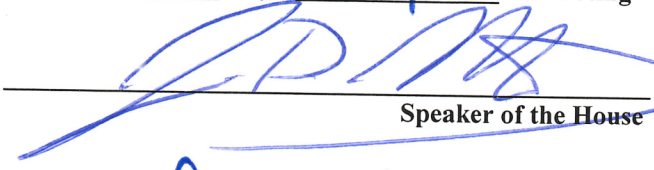
Passed the Senate February 14, 20 17,

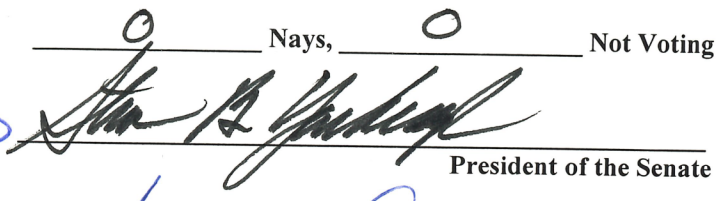
by the following vote: 53 Ayes,

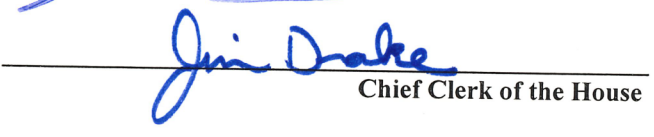
by the following vote: 30 Ayes,

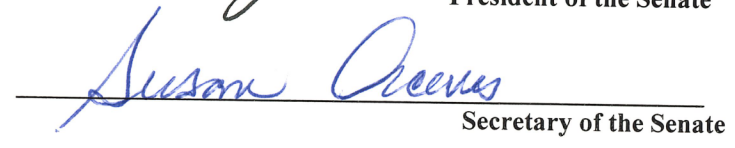
3 Nays, 4 Not Voting

0 Nays, 0 Not Voting


Speaker of the House


President of the Senate


Chief Clerk of the House


Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this
_____ day of _____, 20 _____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20 _____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

S.B. 1317

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State
this _____ day of _____, 20 _____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 9, 20 17,
by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

Mr. R. Sp. 1.
Speaker of the House
Pro Tempore

Jim Drake
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate April 27, 20 17,
by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

Steven A. McQuinn
President of the Senate

Susan Owens
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor
this 10th day of May, 20 17,
at 6:20 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 22nd day of
May, 20 17,

at 5:13 o'clock P. M.

[Signature]
Governor of Arizona

S.B. 1317

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 22 day of May, 20 17,

at 6:34 o'clock P. M.

Michelle Reagan
Secretary of State